

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,)
Plaintiff,) No. CR-08-096-RHW
v.) ORDER GRANTING UNOPPOSED
NEHEMIAH W. FOWLKES,) MOTION AND SETTING
Defendant.) CONDITIONS OF RELEASE

At the hearing on the Defendant's Motion to Set Conditions of Release, Assistant U.S. Attorney Aine Ahmed appeared for the United States. Defendant was present with counsel Christian Phelps.

IT IS ORDERED Defendant's oral Motion for Reconsideration (Ct. Rec. 32) is **GRANTED**. Defendant's release is subject to the following conditions:

1. The Defendant shall participate in a program of electronically monitored home confinement. The Defendant shall wear, at all times, an electronic monitoring device under the supervision of U.S. Probation. In the event the Defendant does not respond to electronic monitoring or cannot be found, U.S. Probation Officers shall forthwith notify the United States Marshals' Service, who shall immediately find, arrest and detain the Defendant. *The Defendant shall be responsible for all costs of electronic monitoring.

2. Defendant shall not commit any offense in violation of federal, state or local law. Defendant shall advise his supervising

1 Pretrial Services Officer and his attorney within one business day
2 of any charge, arrest, or contact with law enforcement.

3 3. Defendant shall advise the court and the United States
4 Attorney in writing before any change in address.

5 4. Defendant shall appear at all proceedings and surrender as
6 directed for service of any sentence imposed.

7 5. Defendant shall sign and complete form A.O. 199C before
8 being released and shall reside at the address furnished.

9 6. Defendant shall remain in the Eastern District of
10 Washington while the case is pending. On a showing of necessity,
11 Defendant may obtain prior written permission to leave this area
12 from the United States Probation Office.

13 7. Defendant shall not possess a firearm, destructive device
14 or other dangerous weapon.

15 8. Defendant is further advised, pursuant to 18 U.S.C. §
16 922(n), it is unlawful for any person who is under indictment for a
17 crime punishable by imprisonment for a term exceeding one year, to
18 possess, ship or transport in interstate or foreign commerce any
19 firearm or ammunition or receive any firearm or ammunition which has
20 been shipped or transported in interstate or foreign commerce.

21 9. Defendant shall refrain from the use of alcohol, and the
22 use or possession of a narcotic drug and other controlled substances
23 defined in 21 U.S.C. § 802, unless prescribed by a licensed medical
24 practitioner. There shall be no alcohol in the residence where
25 Defendant is residing. Defendant shall undergo a substance abuse
26 evaluation, if directed by a United States Probation Officer, and
27 complete treatment indicated by the evaluation. Defendant shall be
28 responsible for the cost of testing, evaluation and treatment unless

1 the United States Probation Office should determine otherwise. The
2 United States Probation Office shall also determine the time and
3 place of testing and evaluation and the scope of treatment. If
4 random urinalysis testing is not done through a treatment program,
5 random urinalysis testing shall be conducted through Pretrial
6 Services, and shall not exceed six (6) times per month.

7 **10. Defendant shall check in with U.S. Probation Officer**
8 **Kennicutt prior to 9:00 a.m., on September 16, 2008.** Defendant
9 shall report to the United States Probation Office as often as they
10 direct, and at such times and in such manner as they direct.
11 Defendant shall contact his attorney at least once a week.

12 11. Defendant shall sign a copy of this Order, to be kept in
13 Pretrial Services' file.

14 **Defendant is advised a violation of any of the foregoing**
15 **conditions of release may result in the immediate issuance of an**
16 **arrest warrant, revocation of release and prosecution for contempt**
17 **of court, which could result in imprisonment, a fine, or both.**
18 **Specifically, Defendant is advised a separate offense is established**
19 **by the knowing failure to appear and an additional sentence may be**
20 **imposed for the commission of a crime while on this release. In**
21 **this regard, any sentence imposed for these violations is**
22 **consecutive to any other sentence imposed.**

23 DATED September 15, 2008.

24

S/ CYNTHIA IMBROGNO
25 UNITED STATES MAGISTRATE JUDGE

26 READ, UNDERSTOOD AND AGREED TO:

27

NEHEMIAH W. FOWLKES
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